

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LINCOLN LANE ADDLEMAN JR. et al.,

Plaintiffs,

v.

KING COUNTY et al.,

Defendants.

CASE NO. 2:23-cv-00286

ORDER

This matter comes before the Court on Plaintiff Lincoln Lane Addleman, Jr.'s "Second Motion Per Fed. R. Civ. Proc. Rule 12 Where Hackers Interfere & Even If I Stay Off the Internet Cannot Trust." Dkt. # 31. The motion is noted for June 9, 2023, but no defendants have appeared in the matter thus far, and there is no reason for the Court to wait further to rule on it.


Addleman, proceeding pro se and *in forma pauperis*, brings this civil rights action. Dkt. ## 6, 7. "In proceedings *in forma pauperis*, the district court 'may request an attorney to represent any person unable to afford counsel.'" *Agyeman v. Corr. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004) (quoting 28 U.S.C. § 1915(e)(1)). Deciding whether to appoint such counsel is within "the sound discretion of the trial court and is granted only in exceptional circumstances." *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). A finding of

1 exceptional circumstances requires an evaluation of both the likelihood of success on the merits  
2 and the ability of the plaintiff to articulate their claims pro se given the complexity of the legal  
3 issues involved. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

4 This is Addleman's second motion requesting the appointment of counsel. The basis of  
5 this motion appears to be the technological difficulties Addleman has recently encountered when  
6 filing his amended complaint. *See* Dkt. # 31 at 1 (claiming that "big tech" or "hackers"  
7 interfered by "erasing files [from his] computer"). As with his first motion, Addleman has not  
8 shown that any exceptional circumstances exist. He has not established an inability to articulate  
9 the bases of his claims without the assistance of counsel. *See Agyeman*, 390 F.3d at 1103. And  
10 the legal issues presented here do not appear to be particularly complex. As before, Addleman  
11 has not shown a likelihood of success on the merits. The record is still not sufficiently developed  
12 for the Court to make such a determination.

13 This case does not present the requisite exceptional circumstances for the appointment of  
14 counsel. The Court DENIES Addleman's motion without prejudice. Dkt. # 31. The Court  
15 warns Addleman that he should not file another such motion unless there are exceptional  
16 circumstances that warrant the appointment of counsel.

17 Dated this 26th day of May, 2023.

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19 John H. Chun  
20 United States District Judge  
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